

United States District Court**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

vs.

DLANCE KEITH JONES (4)

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§Case No. 4:07cr58
(Judge Schell)**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 28, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Jay Combs.

On April 16, 2008, Defendant was sentenced by the Honorable Richard A. Schell to twenty-four (24) months' custody followed by three (3) years of supervised release for the offense of Possession with Intent to Distribute Cocaine Base. On September 4, 2009, Defendant completed his period of imprisonment and began service of his supervised term.

On September 2, 2010, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory, standard, and special conditions. Violation allegations two, three, and four were dismissed by the Government. The petition also alleged violation of the following additional mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer. The petition also alleged violation of the following additional standard condition: the defendant shall refrain from excessive use of alcohol

and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts with regard to the remaining violations: (1) Defendant submitted a urine specimen on January 5, 2010, that tested positive for cocaine and marijuana, which was confirmed by Kroll Laboratories; (2) Defendant submitted urine specimens on February 2, 2010, and March 17, 2010, that tested positive for marijuana, which were confirmed by Kroll Laboratories; and (3) Defendant submitted a urine specimen on August 11, 2010, that tested positive for marijuana, which was confirmed by Alere.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of seven (7) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 30th day of September, 2010.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE